

The Honorable Thomas Zilly

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GLENN THOMPSON, JR. and GLENN
THOMPSON, SR.,

Plaintiffs,

vs.

ON-SITE MANAGER, INC.

Defendant.

No. 2:15-cv-01596-TSZ

STIPULATED MOTION TO DISMISS

**Note on Motion Calendar for Decision
on January 25, 2017**

I. Relief Requested

Plaintiffs Glenn Thompson, Jr. and Glenn Thompson, Sr. ("Plaintiffs") and Defendant On-Site Manager, Inc. ("Defendant")(collectively, "the Parties"), by and through their attorneys of record, jointly submit this stipulated motion seeking an order dismissing all claims in this action. The motion is authorized by Fed.R.Civ.P. 41(a)(1)(A)(ii).

II. Statement of Relevant Facts

Plaintiffs filed this action on October 6, 2015, under the federal Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.), Washington's Fair Credit Reporting Act (RCW 19.182) and Washington's Consumer Protection Act (RCW 19.86). The sole Defendant is On-Site Manager,

1 Inc., (On-Site), a consumer reporting agency that markets tenant-screening reports on rental
2 housing applicants to residential landlords. Plaintiffs filed a First Amended Complaint on
3 December 9, 2016. Defendant filed an Answer to Plaintiffs' First Amended Complaint on
4 January 5, 2017. Defendant did not plead any counterclaims. Neither party has filed a Motion
5 for Summary Judgment. The discovery cut-off deadline was January 20, 2017. This case is
6 scheduled for trial on May 15, 2017.

7 With this Stipulation, Plaintiffs agree to dismiss all claims for relief in Plaintiffs' First
8 Amended Complaint, and the parties agree that each party will bear its own costs in this action.
9 There are no further issues for the Court to consider.

10 **III. Question Presented**

11 Should the Court dismiss with prejudice all claims for relief made by Plaintiffs in their
12 First Amended Complaint?

13 Answer: Yes, pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii).

14 **IV. Evidence Relied Upon**

15 The parties rely upon the Court file and the Stipulation of Counsel as provided herein.

16 **V. Legal Authority & Argument**

17 The Court has the authority to dismiss any claims for relief in Plaintiffs' First Amended
18 Complaint. Federal Rule of Civil Procedure 41(a)(1)(A)(ii) governs voluntary dismissals entered
19 by stipulation. It provides that the parties may dismiss the action by filing a stipulation of
20 dismissal. See Fed.R.Civ.P. 41(a)(1)(A)(ii). Plaintiffs, by this motion, are abandoning all of
21 their claims, and Defendant has not pleaded any counterclaims in this action. Under these
22 circumstances, entry of an order dismissing all claims by stipulation of the parties is proper.


23 **VI. Conclusion**

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1 For the above stated reasons, the parties respectfully request an order dismissing all
2 claims in this action pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii).

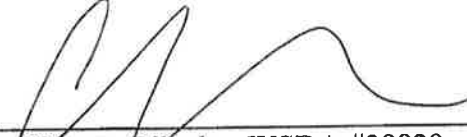
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4 Respectfully Submitted this 24th day of January 2017.

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6 **NORTHWEST JUSTICE PROJECT**

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8 Leticia Camacho, WSBA #31341
9 401 Second Ave S, Suite 407
10 Seattle, WA 98104
11 Phone: (206) 464-1519
12 Fax: (206) 624-7501
13 leticiac@nwjustice.org

6 **GORDON & REESE LLP**

7 

8 Jeffrey E. Bilanko, WSBA #38829
9 Elizabeth K. Morrison, WSBA #43042
10 701 5th Avenue, Suite 2100
11 Seattle, WA 98104
12 Phone: (206) 695-5100
13 Fax: (206) 689-2822
14 jbilanko@gordonrees.com
15 emorrison@gordonrees.com

DECLARATION OF SERVICE

I hereby certify that on the 25th day of January, 2017, I electronically filed the foregoing document to which this declaration is attached with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

COUNSEL FOR DEFENDANT

Jeffrey Bilanko
Elizabeth Morrison
Gordon & Rees LLP
701 Fifth Avenue, Suite 2100
Seattle, WA 98104
jbilanko@gordonrees.com
emorrison@gordonrees.com

and to Stephanie Hosey (shosey@gordonrees.com).

Dated this 25th day of January, 2017.

/s/ Norma Butler

Norma Butler, Legal Assistant